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Security Council

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Letter dated 23 November 2009 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit to you the attached letter dated 6 November 2009 from Judge Dennis Byron, President of the International Criminal Tribunal for Rwanda (see annex).

In his letter, President Byron requests that the Security Council authorize Judge Erik Møse to serve at the International Tribunal beyond the expiry of his term of office so that he may complete the *Setako* case. The term of office of Judge Møse will expire on 31 December 2009.

I should be grateful if you would bring the letter from President Byron to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

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Annex

Letter dated 6 November 2009 from the President of the International Criminal Tribunal for Rwanda addressed to the Secretary-General

I am writing to you concerning the need for an exceptional authorization by the Security Council to allow one permanent judge to complete his assignments after the end of his term of office.

Judge Erik Møse, one of our permanent judges, did not wish to have his term of office extended by Security Council resolution 1878 (2009), as he expected to complete his work by December 2009.

Due in particular to staffing constraints, it is now, however, likely that the work on his last case, *Setako*, in which he is the Presiding Judge, will not be completed before early 2010. It is the intention of the Bench to deliver judgement before the end of February 2010.

Therefore, I ask the Security Council to authorize that Judge Møse finish the *Setako* case which he has begun before expiry of his term of office. Similar situations have been addressed by the Council in resolutions 1241 (1999) and 1482 (2003).

I would be grateful if you could bring this matter to the attention of the Security Council.

Finally, I would like to inform you that Judge Sergei Egorov is also part of the Bench in *Setako*. He resigned in August 2009 but was authorized by resolution 1878 (2009) to complete the cases which he began before his resignation. It is therefore my view that no resolution is necessary in his case.

(*Signed*) Judge Dennis **Byron**
President

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24 November 2009

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Letter dated 23 November 2009 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

It has come to the attention of the delegation of Eritrea that a draft resolution initiated by some members of the United Nations is in circulation to the members of the Security Council, supposedly with the objective of bringing peace and stability to the Horn of Africa but whose sole purpose is to impose all kinds of sanctions on Eritrea.

The Government of Eritrea is disappointed to learn the basis under which the draft is being initiated and circulated. The draft text is regrettably based on unfounded assumptions and perceptions, and not on concrete evidence. The independent experts of the United Nations have not concluded their work on the alleged violation of the arms embargo on Somalia. Yet, the decision to present a case not supported by evidence shows that it is indeed a politically motivated move by the authors of the draft text in order to exert pressure on Eritrea for extraneous objectives. Eritrea deeply regrets such acts that are contrary to the principles and purposes of the Charter of the United Nations.

The draft resolution is based on unfounded accusations against Eritrea on the issue of Somalia. Let me make the position of my Government clear. Eritrea does not favour or support a military solution, as it is convinced that there can be no military settlement in Somalia. Nor does Eritrea favour one party as opposed to another. It does not work with one against others. Eritrea firmly holds that a durable and sustainable solution requires the participation of all key Somali actors in an inclusive political process. It has affirmed this position in regional and international forums, specifically the most recent African Union Summit in Tripoli, Libya, which endorsed the need for a political settlement, as well as in numerous bilateral meetings, including the Joint European Union Mission on Somalia's meeting with President Isaias Afwerki, earlier this month. Furthermore, Eritrea has been engaging with key countries and regional and international organizations in an effort to create an environment conducive to an inclusive process.

The delegation of Eritrea also wishes to seize this occasion to stress the importance of the final and binding demarcation decision that was awarded by the Eritrea-Ethiopia Boundary Commission. The matter cannot remain shelved in perpetuity if peace and stability are to take root in the region. Not only is it important on its own merit, but it is at the heart of the turbulent situation in the Horn of Africa, including the current difficult relations between Djibouti and Eritrea.

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For the reasons outlined above, the Government of Eritrea urges the Security Council not to ignore the real issue behind many conflicts in our region and to take concrete measures to ensure that Ethiopia abides by its treaty obligations and international law and withdraws its troops from sovereign Eritrean territories that it is illegally occupying.

The delegation of Eritrea further urges the Council to seriously and responsibly consider the matter under discussion, consistent with its mandate of maintaining international peace and security.

I would be most grateful if the present letter could be circulated as a document of the Security Council.

(*Signed*) Araya **Desta**
Permanent Representative